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06/26/2001

Pingnan Shi

78508 (36-115 US)

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7590

12/19/2008

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2424

NOTIFICATION DATE

DELIVERY MODE

12/19/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Response to Arguments

Applicant's arguments filed 12/1/08 have been fully considered but they are not persuasive.

Page 11, paragraph beginning with "The bandwidth":

The applicant argues that Kitamura does not disclose a bandwidth selector. Kitamura discloses a device that tunes to either European or USA cable standards depending on the positions of certain switches (column 1, lines 37-48). As shown in Table I on column 1, the European and USA cable standards occupy different frequencies and therefore have different bandwidths (USA 54-890MHz and European 47-862MHz) and to tune to one versus the other, different bandwidths would need to be selected.

Page 12, first (partial) paragraph:

The applicant argues that Kitamura does not disclose different channel bandwidths or switching between them. The different bandwidths are shown above, and switching between them is disclosed (column 1, 5-15; column 2, lines 19-28).

Page 12, paragraph beginning with "Claim 1 also":

The applicant argues that Kitamura does not disclose a conditioning circuit. The examiner is interpreting a device that tunes to different frequencies as a conditioning circuit and therefore meets the limitation.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the 2 conditioning circuits are capable of simultaneously tuning to different signals) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The circuitry found in Kitamura is able to be configured to tune to both European and USA standards one at a time and therefore it is the equivalent to 2 different circuits performing different tasks depending on the position of the switches.

Page 13, first (partial) paragraph:

The applicant argues that Kitamura does not disclose a system for receiving acquired signals or outputting any channels. This device does perform such actions as found on column 1, lines 5-15.

Page 13, paragraph beginning with "Applicants":

The applicant argues that a switch could not be interpreted as a controller. The examiner disagrees, and interprets a switch as a very simple example of a controller.

Page 13, paragraph beginning with "controller for":

The applicant is arguing that Kitamura does not meet a limitation despite that Kitamura is not used to reject this limitation. Therefore this argument is moot.

Page 13, last paragraph:

The applicant again argues that a television could not be used as a simple signal analyzer. The examiner does not agree with the applicant's assertion. If a person were using this device and there were something wrong with the signal that prohibited the device to tune and display the channel, the person would be able to see that there was a problem with the signal. The examiner agrees that this would not be a complex testing device, but that it meets the limitation (when the other references are added).

Page 14, paragraph beginning with "In contrast":

The applicant is arguing that Kitamura does not meet a limitation despite that Kitamura is not used to reject this limitation. Therefore this argument is moot.

Page 15, paragraph beginning with "Liu does":

The applicant is arguing that Liu does not fix the deficiencies of Kitamura argued above and therefore the claim is allowable. Liu is being used to teach a digital tuner and not the testing unit disclosed by Kitamura.

Page 17, paragraph beginning with "While":

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., what are included in FEC readings) are not recited in the rejected claim(s).

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The indicator light taught by Ozkan provides information to a user of whether there is a FEC lock or not, which is interpreted to the examiner as a simple FEC reading.

The remaining arguments deal with the deficiencies of Kitamura and are considered responded to.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2424

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

/Annan Q Shang/
Primary Examiner, Art Unit 2424